

## ZONING BOARD OF APPEALS

**Tuesday, October 21, 2008**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

### Present:

**ZBA Members:** Alicia DiBenedetto  
Aaron Magdziarz  
Dan Roszkowski  
Julio Salgado  
Scott Sanders  
Craig Sockwell

### Absent:

**Staff:** Todd Cagnoni – Deputy Director, Community & Economic  
Development, Construction & Development Services  
Sandra Hawthorne – Administrative Assistant  
Kerry Partridge – City Attorney  
Jon Hollander – City Engineer, Public Works  
Chief Frank Schmitt - Fire Prevention Division  
Reid Montgomery – Director, Community & Economic Development

**Others:** Alderman Thompson-Kelly  
Kathy Berg, Stenographer  
Applicants and Interested Parties

The meeting started at 6:40 P.M. A **MOTION** was made by Alicia DiBenedetto to **APPROVE** the minutes of the September 16, 2008 meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

<b>043-08</b> Applicant Ward 3	<b><u>1405-1407 North Main Street</u></b> City of Rockford Department of Law <b>Revocation of Special Use Permit #102-05</b> for indoor retail liquor sales by the drink in conjunction with a full service restaurant in a C-2, Commercial Community District <b>Laid Over from August and September meetings</b>
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The Applicant has requested this item be Laid Over to the November 18<sup>th</sup> meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Revocation of Special Use Permit #102-05 for indoor retail liquor sales by the drink in conjunction with a full service restaurant in a C-2, Commercial Community District at 1405-1407 North Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

<b>048-08</b> Applicant Ward 6	<b><u>3326, 3328 &amp; 3336 Kishwaukee Street</u></b> Robert Lowe <b>Modification of Special Use Permit</b> for an expansion of used car sales <b>Variation</b> to reduce the perimeter landscape strip from 10 feet to 7 feet in a C-3, Commercial General District
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Prior to the meeting, a written request was received by the Applicant to Lay Over this item to the November 18<sup>th</sup> meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Modification of Special Use Permit for an expansion of used car sales; and to **LAY OVER** the Variation to reduce the perimeter landscape strip from ten (10) feet to seven (7) feet in a C-3, Commercial General District at 3326, 3328 and 3336 Kishwaukee Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**049-08**

**2400 North Rockton Avenue**

Applicant  
Ward 7

Perry Matheson / Rockford Health System

**(A) Variation** to increase the maximum square footage for four service directories (medical) from 36 square feet to 43.2 square feet along Edgemont Avenue

**(B) Variation** to increase the maximum square footage for one service directory (medical) from 36 square feet to 43.2 square feet along Rockton Avenue

**(C) Variation** to increase the maximum square footage for one service directory (medical) from 36 square feet to 55.2 square feet in the parking lot

**(D) Variation** to increase the maximum allowable height for one service directory (medical) from 6 feet to 9 feet 2 inches in the parking lot

**(E) Variation** to increase the maximum square footage for one service directory (medical) from 36 square feet to 55.2 square feet south of the main entrance

**(F) Variation** to increase the maximum allowable height for one service directory (medical) from 6 feet to 9 feet 2 inches south of the main entrance

**(G) Variation** to increase the maximum square footage for two free-standing signs from 64 square feet to 87.5 square feet along Rockton Avenue

**(H) Variation** to increase the maximum allowable height for two free-standing signs from 8 feet to 12.5 feet along Rockton Avenue in a C-2, Limited Commercial District

The subject property is Rockford Health System's main campus and is surrounded mostly by residential uses. Gary Kaatz, Brian L. Myers, and Perry Matheson were present. Mr. Kaatz reviewed the requests for Variation. He explained Rockford Health System is revamping approximately 100 signs, 8 of which do not meet the criteria of the Ordinance. The 8 signs of this application are those that Rockford Health System feels need to be high visibility due to their purpose of providing direction to, and through, their campus. Mr. Matheson reviewed the locations of the 8 signs as explained in Staff's report as well as a letter of hardship submitted. In the letter, the Applicant stated their hardship was the need to clearly identify signage for "emergency" services, ease in directing patients and visitors to specific entrances for specific services, and internal directional signage to three different buildings within the campus.

Staff Recommendation was for Denial of all requests. No Objectors were present. Alderman Thompson-Kelly was present as an interested party.

She explained that in the past she has strongly objected to large signage and has consistently voted against them. However, she is in agreement with the requested variations, stating this process of updating signage started prior to the sign ordinance changing. She feels this signage is an enhancement to the facility and makes it very easy to maneuver the campus and to find the appropriate location easily.

During Board discussion, Mr. Sanders felt most of the signs could easily come into conformance and still convey the information clearly. He stated there was a lot of background space on these signs that could be eliminated without affecting the size of the message being communicated. He also felt the two interior signs did not have as big an impact on the public view and the amount of information on these signs is critical in steering people through the campus. In that regard, Mr. Sanders was in agreement for allowing the Variations on the two interior signs only. Mr. Roszkowski agreed that the interior signs would not be an issue if the Variations were allowed and also with Mr. Sanders that the others do have a lot of negative blue space that is being counted into the footage of the sign.

Mr. Sanders asked Staff to clarify the validity of the applicant beginning their plan prior to the sign ordinance changing. Mr. Cagnoni stated the sign ordinance began late 2007. However, the City was not made aware of the plans for the signage during the initial planning stage so could not verify the time frame in regards to the change in signage regulations.

Mr. Roszkowski felt the emergency room signs are important and those do fall within the height requirements and although larger than code allows, does not feel this is a big concern. Mr. Sanders reiterated that the majority of the signs are close enough to compliance that they could comply without a negative affect.

A **MOTION** was made by Craig Sockwell to **APPROVE** the (A) Variation to increase the maximum square footage for four service directories (medical) from 36 square feet to 43.2 square feet along Edgemont Avenue; **APPROVE** the (B) Variation to increase the maximum square footage for one service directory (medical) from 36 square feet to 43.2 square feet along Rockton Avenue; **APPROVE** the (C) Variation to increase the maximum square footage for one service directory (medical) from 36 square feet to 55.2 square feet in the parking lot; **APPROVE** the (D) Variation to increase the maximum allowable height for one service directory (medical) from 6 feet to 9 feet 2 inches in the parking lot; **APPROVE** the (E) Variation to increase the maximum square footage for one service directory (medical) from 36 square feet to 55.2 square feet south of the main entrance; **APPROVE** the (F) Variation to increase the maximum allowable height for one service directory (medical) from 6 feet to 9 feet 2 inches south of the main entrance; **APPROVE** the (G) Variation to increase the maximum square footage for two free-standing signs from 64 square feet to 87.5 square feet along Rockton Avenue and to **APPROVE** the (H) Variation to increase the maximum allowable height for two free-standing signs from 8 feet to 12.5 feet along Rockton Avenue in a C-2, Limited Commercial District at 2400 North Rockton Avenue. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-2, with Scott Sanders and Alicia DiBenedetto voting Nay.

**ZBA 049-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Square Footage**  
**for Four Service Directories (Medical)**  
**From 36 Square Feet to 43.2 Square Feet Along Edgemont Street**  
**In a C-2, Commercial Community Zoning District at**  
**2400 North Rockton Avenue**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, nor endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 049-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Square Footage for (1) Service directory (Medical)**  
**From 36 Square Feet to 43.2 Square Feet Along Rockton Avenue**  
**In a C-2, Commercial Community Zoning District at**  
**2400 North Rockton Avenue**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 049-08**  
**Findings of Fact for a Variation**  
**to Increase the Maximum Square Footage for (1) Service Directory (Medical)**  
**From 36 Square Feet to 55.2 Square Feet in the Parking Lot**  
**In a C-2, Commercial Community Zoning District at**  
**2400 North Rockton Avenue**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 049-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Allowable Height for (1) Service Directory (Medical)**  
**From 6 Feet to 9 Feet 2 Inches in the Parking Lot**  
**In a C-2, Commercial Community Zoning District at**  
**2400 North Rockton Avenue**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 049-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Square Footage for (1) Service Directory (Medical)**  
**From 36 Square Feet to 55.2 Square Feet South of the Main Entrance**  
**In a C-2, Commercial Community Zoning District at**  
**2400 North Rockton Avenue**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 049-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Allowable Height for (1) Service Directory (Medical)**  
**From 6 Feet to 9 Feet 2 Inches South of the Main Entrance**  
**In a C-2, Commercial Community Zoning district at**  
**2400 North Rockton Avenue**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 049-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Square Footage for (2) Free-Standing Signs**  
**From 64 Square Feet to 87.5 Square Feet Along Rockton Avenue**  
**In a C-2, Commercial Community Zoning District at**  
**2400 North Rockton Avenue**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.

3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 049-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Allowable Height for (2) Free-standing Signs**  
**From 8 Feet to 12.5 Feet Along Rockton Avenue**  
**In a C-2, Commercial Community Zoning District at**  
**2400 North Rockton Avenue**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.

The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**050-08                      4301 North Main Street**  
Applicant                Sheila Kloster  
Ward 12                 **Zoning Map Amendment** from RE, Rural Estate District to C-1,  
                                 Limited Office Zoning District

The subject property is located east of North Main Street, approximately four blocks north of Riverside Boulevard and is the former Moose Lodge. The Applicant is Winnebago County Health Department. Richard Johnson, Stephen Guedet, and Assistant States Attorney Greg Minger were present. Mr. Minger explained the Health Department has outgrown their office space and needs to look at relocating their inspectors and health officials who have their office on site, but do a

lot of their work off-site. He felt this is a good use for an existing structure that is now vacant. Mr. Guedet reiterated that a good portion of the building will be office space for off-site workers. Some health services will also be offered such as services for expectant mothers and for children.

Staff Recommendation was for Approval with no conditions. No Objectors or interested parties were present.

The Board was in agreement that the proposed use would be a good reuse of the site.

A **MOTION** was made by Scott Sanders to **APPROVE** the Zoning Map Amendment from RE, Rural Estate District to C-1, Limited Office Zoning District at 4301 North Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**ZBA 050-08**  
**Findings of Fact for a Zoning Map Amendment**  
**From RE, Rural Estate District**  
**To City C-1, Limited Office District at**  
**4301 North Main Street**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial property because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood.
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as PE, Existing Public Facility.

**051-08**                    **16XX, 1601, 1609, 1613, 1619, 1621 Kishwaukee Street**  
                              **646 16<sup>th</sup> Avenue**  
Applicant                Todd Kudlacik  
Ward 5                    **Zoning Map Amendment** from C-1, Limited Office, C-3 General Commercial, and R-2, Two-family Residential Districts to C-2, Commercial Community Zoning District

Mr. Cagnoni stated a request for Lay Over has been received from the applicant. they have received a request for Lay Over. Staff Recommendation was for Denial.

A **MOTION** was made by Alicia DiBenedetto to **LAY OVER** the Zoning Map Amendment from C-1, Limited Office, C-3, General Commercial, and R-2, Two-family Residential Districts to C-2, Commercial Community Zoning District at 16XX, 1601, 1609, 1613, 1619, 1621 Kishwaukee Street and 646 16<sup>th</sup> Avenue. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

**052-08**                    **26XX North Bell School Road**  
Applicant                Savant Properties, LLC  
Ward 1                    **(A) Variation** to increase the allowable number of wall signs located above the ground floor of the structure for business identification from two (2) to five (5)



**(B) Variation** to increase the number of allowable wall signs for one establishment from two (2) to three (3) in a C-3, Commercial General Zoning District

Acting Chairman Mr. Roszkowski stated he would be abstaining from participation and vote on this application. Scott Sanders conducted the meeting as Acting Chairman for this item.

The subject property is located east of Bell School Road, south of Spring Creek, and north of Rote Road. Attorney Bruce Ross-Shannon and Brent Brodeski were present. Attorney Ross-Shannon reviewed the application for Variations. He stated Anderson Development is constructing a commercial subdivision on the northwest corner of this location. The Applicant, Savant Properties, wishes to consolidate and is proposing a 65,000 square foot building on a portion of this lot. Attorney Ross-Shannon explained signage is very important for the Applicant, to allow visibility for north and south bound traffic on I-90. In conjunction, Holmstrom Kennedy is also a potential tenant and they feel identification of their office is equally important for them to move to this location. Attorney Ross-Shannon further stated this is a unique situation due to the toll way location. Savant Properties feels signage is a crucial part of their move to this location. Mr. Brodeski explained that this development can not proceed with these two tenants without approval of these two Variations and that the lease is dependant on the outcome of this application. He stated the surrounding property is farmland on two sides, church on one side, and the toll way/Bell School Road on the fourth side.4<sup>th</sup> side.

For clarification purposes, Mr. Cagnoni explained that the PUD on this project has not yet been finalized. the Master developer needs to provide project info to Staff before that can occur.

Staff Recommendation was for Approval with 3 conditions. No Objectors or interested parties were present.

Mr. Sanders felt this request was appropriate for the size and scale of the proposed building.

A **MOTION** was made by Craig Sockwell to **APPROVE** the (A) Variation to increase the allowable number of wall signs located above the ground floor of the structure for business identification from two (2) to five (5); and to **APPROVE** the (B) Variation to increase the number of allowable wall signs for one establishment from two (2) to three (3) in a C-3, Commercial General Zoning District at 26XX North Bell School Road. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0, with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. The terms of the Annexation Agreement.
2. That the terms and conditions of the Tentative PUD remain in full force and effect.
3. Compliance with all Building and Fire Codes.

#### **ZBA 052-08**

#### **Findings of Fact for a Variation**

#### **To Increase the Allowable Number of Walls Signs Located Above the Ground Floor Of the Structure for Business Identification From (2) to (5) In a C-3, General Commercial Zoning District with a Planned Unit Development at 26XX North Bell School Road**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. The property is located adjacent Interstate I-90 and as part of the approved Planned Unit Development the Variance serves to compliment the future development of the site as it relates to building elevations locations and business identification from North Bell school Road and I-90.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification. The property is located adjacent Interstate I-90 and as part of the approved Planned Unit Development the Variance serves to

compliment the future development of the site as it relates to building elevations locations and business identification from North Bell school Road and I-90.

3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title. The property is located adjacent Interstate I-90 and as part of the approved Planned Unit Development the Variance serves to compliment the future development of the site as it relates to building elevations locations and business identification from North Bell school Road and I-90.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 052-08**

**Findings of Fact for a Variation**

**To Increase the Number of Allowable Wall Signs for One Establishment from (2) to (3)  
In a C-3, General Commercial Zoning District with a Planned Unit Development at  
26XX North Bell School Road**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. The property is located adjacent Interstate I-90 and as part of the approved Planned Unit Development the Variance serves to compliment the future development of the site as it relates to building elevations locations and business identification from North Bell school Road and I-90.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification. The property is located adjacent Interstate I-90 and as part of the approved Planned Unit Development the Variance serves to compliment the future development of the site as it relates to building elevations locations and business identification from North Bell school Road and I-90.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title. The property is located adjacent Interstate I-90 and as part of the approved Planned Unit Development the Variance serves to compliment the future development of the site as it relates to building elevations locations and business identification from North Bell school Road and I-90.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

#### **OTHER BUSINESS**

Mr. Cagnoni reminded the Board of the Liquor Advisory Board meeting scheduled for Wednesday, November 5<sup>th</sup>, at 6:00 PM in Council Chambers. There are 3 items on the agenda.

With no further business to come before the Board, the meeting was adjourned at 7:45 PM

Respectfully submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals